

May 19, 2008

Kansas Department of Health and Environment
Amended Permanent Regulation
Licensure of Adult Care Home Administrators

28-38-18. Licensing examinations. (a) Each candidate for licensure as an adult care home administrator shall be required to pass a national examination and a state ~~regulations~~ law examination for adult care home administration approved by the board.

(b) Each candidate for licensure shall pay the required examination fee for the national examination directly to the testing agency. An examination fee shall be required each time a candidate takes the national examination.

(c) The minimum passing scaled score for the national examination shall be 113. The minimum passing raw score for the state law examination shall be 75 percent.

(d) Each candidate for licensure who has been disqualified for failing the national examination shall be given written notification by the board of the disqualification and the reason or reasons for ~~it failing~~, including a breakdown of the scores by each subject area subject areas passed and failed.

(e) A candidate who has failed three national examinations shall not submit a new application for examination until the candidate has completed a course of additional education submitted by the candidate's practicum coordinator and approved by the board.

(f) Any candidate who fails the state examination may retake the state law examination until the candidate passes this examination.

(g) ~~On and after January 1, 1983,~~ The national association of boards of examiners for

adult care home administrators (NAB) shall be the approved national examination for licensure.

(Authorized by K.S.A. 2007 Supp. 65-3503; implementing K.S.A. 2007 Supp. 65-3503 and 2007 Supp. 65-3504; effective May 1, 1981; amended July 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Oct. 3, 2003; amended P-_____.)

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28-38-19. Qualification for licensure. (a) Each candidate for initial licensure as an adult care home administrator shall meet the following qualifications:

(1) Each candidate shall hold a baccalaureate or higher degree from an accredited college or university.

(2) Each candidate shall have successfully completed a long-term care administration practicum that is conducted by an accredited college or university; or an equivalent ~~program, as an academic training program and that meets~~ educational training practicum. Both types of practicum shall meet the following requirements:

(A) ~~Consists~~ Consist cumulatively of at least 480 clock-hours and ~~is~~ be completed in not more than three practice settings;

(B) ~~incorporates~~ incorporate the "core of knowledge," as defined in K.A.R. 28-38-29, or the "domains of practice," as defined in K.A.R. 28-38-29;

(C) ~~provides~~ provide the training in either, or a combination of, a licensed adult care home or long-term care unit of a licensed hospital, excluding assisted-living and residential health care facilities;

(D) ~~designates~~ verify that the candidate has obtained a preceptor in the adult care home or in the hospital long-term care unit;

(E) ~~assumes~~ assume responsibility for coordinating with the preceptor the type of training and supervision to be provided during the practicum; and

(F) ~~ensures~~ ensure that a preceptor meets the following requirements:

(i) Is responsible for the training, knowledge, and professional activities within the facility

and for the development and refinement of the trainee as a prospective adult care home administrator;

(ii) does not supervise more than two trainees at a time;

(iii) is a full-time administrator of record or a licensed administrator who directly supervises the administrator of record; and

(iv) maintains direct supervision of the trainee in the facility in which the training is to be provided.

(b) A maximum of 20 hours may be approved by the board toward the 480-hour practicum requirement for completion of an adult care home operator course.

(c) Up to 40 hours for each year of work experience, with a maximum of 240 hours, may be approved by the board toward the 480-hour practicum requirement if the experience meets either of the following requirements:

(1) The experience was obtained as an administrator of a Kansas-licensed hospital who also served as the administrator of the hospital's long-term care unit.

(2) The experience was obtained as an adult care home administrator while licensed in another state.

(d) Each trainee shall request that the college, ~~or~~ university, or provider of the equivalent educational training practicum submit the practicum curriculum and preceptor qualifications for the board's approval in accordance with this regulation. ~~Any~~ Each change in the practicum curriculum or preceptor shall require approval by the board in accordance with this regulation. Each trainee shall meet the following requirements:

(1)(A) Be enrolled in a practicum program that terminates with a baccalaureate degree or postbaccalaureate degree; or

(B) hold a baccalaureate or higher degree from an accredited college or university; and

(2) be at least 18 years of age before participating in a practicum. (Authorized by and implementing K.S.A. 2007 Supp. 65-3503 and K.S.A. 2007 Supp. 65-3504; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended Oct. 3, 2003; amended P-_____.)

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28-38-21. Temporary license. (a) Each individual requesting a temporary license shall identify the facility seeking to hire the individual on an emergency basis and shall arrange for that facility to provide the board with written documentation that a licensed, qualified candidate is not available to serve as administrator in the facility. Each candidate for consideration by the board for a temporary license shall meet the following requirements:

(1) Submit an application on board-approved forms accompanied by a the applicable fee as specified in K.A.R. 28-38-30;

(2) be endorsed in writing to be the most qualified candidate by an authorized representative of the governing body of the facility where the person is to be employed;

(3)(A) Have a baccalaureate or postbaccalaureate degree from an accredited college or university and have passed an examination on state ~~regulations~~ law with a score of at least 75 percent;

(B) have completed a degree-conferring program from an accredited college or university and either be participating or will participate in a long-term care administration or educational training practicum in compliance with K.A.R. 28-38-19(a)(2);

(C) have been previously licensed in Kansas as an adult care home administrator and ~~be~~ otherwise be eligible for reinstatement; or

(D) hold a license as an adult care home administrator in another state and ~~be~~ otherwise be eligible for reciprocity.

(b) A temporary license may be granted to a qualified applicant and may be renewed

upon submission of written documentation by the licensed facility that licensed, qualified applicants remain unavailable. A temporary license may be extended for two consecutive 60-day periods, but shall not exceed a total of 180 days for each individual holding a temporary license.

~~(c) A person whose license has been subject to disciplinary action shall not be granted a temporary license.~~

~~(d)~~ If a candidate for full licensure has been issued a temporary license and fails the national examination, the candidate's temporary license shall expire on the date indicated on the license. The candidate's temporary license shall not be extended or reissued. (Authorized by and implementing K.S.A. 2001-Supp. 65-3502; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended P-_____.)

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28-38-22. Licensure by reciprocity. (a) Each candidate who desires licensure by reciprocity, pursuant to K.S.A. 65-3505 and amendments thereto, shall submit an application on board-approved forms accompanied by a reciprocity application fee and a license application fee, as specified in K.A.R. 28-38-30. All applications for licensure by reciprocity shall be submitted to the Kansas bureau of investigation for the purpose of obtaining criminal history records information to be considered by the board in its determination of eligibility for licensing.

(b) Each candidate shall provide proof of being favorably recommended, in writing, by the state in which the candidate is licensed. To meet this requirement, the candidate shall arrange for that state to directly provide the board with an affirmation that the candidate is in good standing.

(c) Each adult care home administrator who applies for a reciprocal license and whose ~~original license from~~ was issued by another jurisdiction state was issued on or after May 10, 1993, shall ~~meet the current educational criteria, as specified in K.A.R. 28-38-18 and K.A.R. 28-38-19~~ provide documentation to the board of both of the following:

(1) (A) The criteria of the license-issuing jurisdiction are substantially equivalent to the current Kansas examination, education, training, and experience criteria, as specified in K.A.R. 28-38-18 and K.A.R. 28-38-19; or

(B) the applicant has been continuously licensed during the preceding five years. During that time, the applicant annually attained at least 2,080 hours of experience as an administrator of record of a licensed adult care home or a licensed long-term care unit of a hospital.

(2) The applicant has not had any disciplinary action of a serious nature brought by a

licensing board or agency against the candidate. For purposes of this regulation, "disciplinary action of a serious nature" shall mean the revocation or suspension of a license issued by the licensure board or the voluntary surrender of a license in lieu of the completion of an investigation or final disciplinary action.

~~(d) Each adult care home administrator who applies for a reciprocal license and whose original license from another state was issued before May 10, 1993, shall meet one of the following sets of education criteria according to the date of original licensure:~~

~~(1) If the candidate's original date of licensure in another state occurred at any time from July 1, 1990 through May 9, 1993, the candidate shall meet the following requirements:~~

~~(A) Have a baccalaureate or higher degree from an accredited college or university;~~

~~(B) have successfully completed a 480 clock hour long term care administration practicum approved by an accredited college or university; and~~

~~(C) have at least a scaled score of 113, or 75 percent on the national examination.~~

~~(2) If the candidate's original date of licensure in another state occurred at any time from May 1, 1984 through June 30, 1990, the candidate shall meet the following requirements:~~

~~(A) (i) Have 60 semester hours of credit from an accredited college or university; or~~

~~(ii) hold an associate or higher degree from an accredited college or university in nursing home administration or the equivalent in a related health care field; and~~

~~(B) have at least a scaled score of 105, or 70 percent on the national examination.~~

~~(3) If the candidate's original date of licensure in another state occurred at any time from July 1, 1980 through April 30, 1984, the candidate shall meet the following requirements:~~

~~(A) (i) Have 60 semester hours of credit from an accredited college or university;~~

~~(ii) substitute one year of board approved practical experience as an administrative~~

~~assistant, director of nursing services, or administrative trainee in a long-term care facility for 20 college credits; or~~

~~(iii) hold an associate or higher degree from an accredited college or university in nursing home administration or the equivalent in a related health care field; and~~

~~(B) have at least a scaled score of 105, or 70 percent on the national examination.~~

~~(4) If the candidate's original date of licensure in another state occurred at any time before July 1, 1980, the candidate shall meet the following requirements:~~

~~(A) Have a high school diploma or equivalent (GED); and~~

~~(B) have a score within the standard deviation on the national examination. (Authorized by K.S.A. ~~2001~~ 2007 Supp. 65-3503; implementing K.S.A. ~~2001~~ 2007 Supp. 65-3503 and K.S.A. ~~2001~~ Supp. 65-3505; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended P-_____.)~~

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28-38-23. License renewal and license reinstatement; continuing education. (a) Each initial license shall be issued for a period of at least 12 months and not more than 24 months. Each application for renewal of a license shall be filed on or before June 30 of the calendar year in which the license expires. All licenses shall be renewable biennially, with the expiration date to be June 30 of the applicable year.

(b) Each candidate shall submit an application on board-approved forms accompanied by the renewal fee, as specified in K.A.R. 28-38-30. An additional late fee, as specified in K.A.R. 28-38-30, shall be assessed for each application that is received postmarked after June 30 of the year in which the license expires. The license may be renewed only if the application, renewal fee, and late renewal fee are received within the 30-day period following the expiration date. If the application and both fees are not received within that 30-day period, the license shall be considered to have lapsed for failure to renew and shall be reissued only after the ~~applicant~~ license has been reinstated.

(c)(1) Except as provided in subsection (h), each application for renewal shall include an attestation verifying that the licensee has completed at least 50 clock-hours of board-approved continuing education during the licensure period immediately preceding renewal of the license. A licensee's renewal application may be randomly selected for audit to confirm completion of continuing education requirements. Each licensee whose renewal application is selected for audit shall provide all documentation requested by the board. The 50 clock-hours of continuing education shall be earned through attendance at board-approved educational offerings pertaining

to the "core of knowledge" or the "domains of practice," as defined in K.A.R. 28-38-29, for the field of adult care home administration and shall be accumulated within subject areas as follows:

(A) ~~A minimum of~~ At least 30 clock-hours in administration, ~~including which may~~ include the following subjects:

- (i) General administration;
- (ii) applicable standards of environmental health and safety;
- (iii) local health and safety regulations;
- (iv) departmental organization and management; and
- (v) community interrelationships;

(B) ~~a minimum of~~ at least 10 clock-hours in resident care, ~~including which may include~~ the following subjects:

- (i) Psychology of resident care;
- (ii) principles of medical care;
- (iii) personal and social care; and
- (iv) therapeutic and supportive care; and

(C) a maximum of 10 clock-hours in electives, which shall be in the domains of practice or the "core of knowledge" or in health-related fields.

(2) Five hours of continuing education credit in electives shall be approved for attendance, if verified by the sponsor, at state or national annual conventions that pertain to long-term care, in addition to continuing education credit approved for individual sessions at such state or national annual conventions, up to a maximum of 10 hours ~~per~~ for each two-year licensure period.

(d) In-service education shall not be considered as a continuing education activity for the purpose of licensure renewal.

(e) Attending a food show or viewing exhibits at vendor booths at a food show designed to introduce food products to licensees shall not be considered as a continuing education activity for the purpose of license renewal.

(f) Fifteen clock-hours of educational credit shall be approved for each college credit semester hour earned within the renewal period that pertains to the domains of practice or the "core of knowledge."

~~(f)~~ (g) Each licensee whose initial licensure period is less than 24 months shall be required to obtain at least two hours of continuing education for each month in the initial licensure period.

~~(g)~~ (h) Each licensee or nonapproved provider of continuing education who desires approval of a continuing education program shall submit a request for prior approval to the board at least three weeks before the program is to be presented. The request shall provide information about the proposed program, including objectives, course content, and agenda, on a form provided by the board.

~~(h)~~ (i) Each administrator who attends an educational opportunity and who also serves as a presenter shall receive two clock-hours of credit ~~per~~ for each hour of presentation time. Presenters shall not receive additional credit for repetition of these presentations.

~~(i)~~ (j) Each preceptor shall be awarded 15 clock-hours ~~per~~ for each trainee, with 7.5 hours of credit applied toward the continuing education requirement for resident care and 7.5 hours of credit applied toward the continuing education requirement for administration.

~~(j)~~ (k) Each licensee whose license has lapsed shall submit an application, on board-approved forms, showing completion of 50 clock-hours of continuing education. The application shall be accompanied by the renewal fee ~~as specified in K.A.R. 28-38-30~~ and the reinstatement fee as specified in K.A.R. 28-38-30.

~~(k)~~ (l) Each sponsor of continuing education programs shall meet the following requirements:

(1) Offer at least six continuing education activities, including workshops, seminars, academic courses, self-study courses, teleconferences, and educational sessions, over a two-year period;

(2) designate one person, who is referred to as the coordinator, to be responsible for administering all requirements and outcomes of the sponsorship program. The board shall be notified in advance of any staff change involving the coordinator, including proof of that person's credentials to be the coordinator. Each coordinator shall meet one of the following requirements:

(A) Have a current license in the field of adult care home administration;

(B) have experience in a field related to adult care home administration;

(C) serve as staff member of a professional organization related to the field of adult care home administration; or

(D) have experience or academic preparation in adult education or training;

(3) submit an application, ~~on~~ in a board-approved ~~forms~~ format, accompanied by a fee as specified in K.A.R. 28-38-30. The application documents shall be received by the board at least 30 days before the initial continuing education offering. The application fee shall be required for each new or reinstatement application;

(4) ensure that educational offerings pertain to the domains of practice or the "core of knowledge" for the field of adult care home administration; and

(5) submit an annual report on board-approved forms no later than January 31 each year for the preceding calendar year. This report shall describe the approved continuing education activities sponsored and quality improvement methods used, including how evaluation data is incorporated in planning future educational activities.

(4) (m) If a sponsor of continuing education programs fails to meet the criteria specified in this regulation after receiving approval or if there is a material misrepresentation of any fact with the information submitted to the board by a sponsor, approval may be withdrawn or conditions relating to the sponsorship may be applied by the board after giving the sponsor notice and an opportunity to be heard. (Authorized by K.S.A. ~~2001 Supp.~~ 65-3501, K.S.A. 2007 Supp. 65-3503, and K.S.A. 65-3505; implementing K.S.A. ~~2001 Supp.~~ 65-3501 and 65-3505; effective May 1, 1981; amended, E-82-12, June 17, 1981; amended May 1, 1982; amended May 1, 1984; amended Sept. 24, 1990; amended May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended P-_____.)

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28-38-29. Definitions. (a) "Accredited college or university" means a college or university that is accredited by an accrediting body recognized by the council on postsecondary accreditation or by the secretary of the U.S. department of education.

(b) "Administrator of record" means the licensed adult care home administrator on record with the Kansas department of health and environment on aging as the administrator of the facility in which the applicant's practicum will be provided.

(c) "Clock-hour" means a minimum of 50 minutes of direct instruction, exclusive of registration, breaks, and meals.

(d) "Continuing education" means a formally organized learning experience that has education as its explicit, principal intent and that is oriented toward the enhancement of adult care home administration values, skills, knowledge, and ethics.

(e) "Core of knowledge" means the educational training contents for the field of adult care home administration, as established in the "core of knowledge" for the field of adult care home administration in the federal register, vol. 37, no. 61, 252.20(i)(1-9), page 6452, ~~and as in effect on~~ dated March 29, 1972, which is adopted by reference.

(f) "Direct supervision" means the process by which an on-site preceptor directs and monitors the day-to-day activities of a trainee to ensure that these activities are performed without risk or harm to residents.

(g) "Disciplinary action" means a final action taken by the board or by a board or agency in another jurisdiction that is responsible for licensing adult care home administrators.

(h) "Domains of practice" means the knowledge, skills, and abilities listed in table 1, "domains of nursing home administrator practice," on page 4 and outlined in exhibit 1 on pages 7 through 13 of the "summary report of the job analysis of nursing home administrators," prepared for the national association of boards of examiners of long term care administrators and by the professional examination service, department of research and development, dated November 2007, and hereby adopted by reference.

(i) "Good character" means the moral standards and fitness that are required in a candidate for a license as an adult care home administrator. This term includes good judgment, integrity, honesty, fairness, credibility, reliability, respect for others, respect for the laws of the state and nation, self-discipline, self-evaluation, initiative, and commitment to the profession of adult care home administration and its values and ethics.

(+)(j) "Good standing" means both of the following:

(1) The candidate's license is not under any administrative proceeding.

(2) The candidate's license has not been limited, suspended, or revoked.

(+)(k) "Licensure period" means the period of time between the date a license is issued and the date it expires. All licenses shall expire biennially on June 30. Each license shall be issued for a period of not less than 12 months and not more than 24 months.

~~(k)~~ (l) "Nepotism" means favoritism shown to a relative on the basis of relationship as a family member or as a member of a household. For the purposes of this definition, "family member" means any of the following:

- (1) A spouse, parent, child, or sibling;
- (2) a sibling as denoted by the prefix "half";
- (3) a parent, child, or sibling as denoted by the prefix "step";
- (4) a foster child;
- (5) an uncle, aunt, nephew, or niece;
- (6) any parent or child of a preceding or subsequent generation as denoted by the prefix "grand" or "great"; or
- (7) a parent, child, or sibling related by marriage as denoted by the suffix "in-law."

For the purposes of this definition, "member of a household" means a person having legal residence in, or living in, an individual's place of residence.

~~(h)~~ (m) "Preceptor" means a person who meets the following qualifications:

- (1) Holds a current license in Kansas as an adult care home administrator that is not under suspension; and
- (2) has had either three years of full-time experience or a total of 5,000 hours of experience, within the preceding five years, as a licensed adult care home administrator of a nursing facility, a nursing facility for mental health, or an intermediate care facility for the mentally retarded. This experience shall have consisted of direct responsibility for, or active assistance and advising on, the general administration of the facility, including responsibility for planning, organizing, directing, and controlling the operation of the facility.

~~(m)~~ (n) "Sponsor" means any entity approved by the board to provide continuing education programs or courses on a long-term basis.

~~(n)~~ (o) "Sponsorship" means an approved, long-term provision of programs for the purpose of fulfilling the continuing education requirements for renewal or reinstatement.

(Authorized by and implementing K.S.A. ~~2004~~ 2007 Supp. 65-3503; effective May 10, 1993; amended July 14, 2000; amended Jan. 17, 2003; amended P-_____.)